

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES CLAYTON NEWMAN, JR.;  
BRIAN EDWARD NEWMAN;  
TONYA BULLARD; JUDY YEAGER;  
MARTIN L. FIERMAN;  
JONES & WALDEN, LLC;  
INTEGRATED POWER SOLUTIONS,  
INC.; CLARK'S GROVE  
NEIGHBORHOOD ASSOCIATION,  
INC.; CITY OF COVINGTON, GA;  
and MARCUS JORDAN AS NEWTON  
COUNTY, GA COMMISSIONER OF  
TAXES,

Defendants.

Case No.

**COMPLAINT**

Plaintiff, the United States of America, alleges as follows:

1. The United States brings this suit to reduce to judgment the federal income tax liabilities of James Clayton Newman, Jr. for tax years 2004 through 2008.

2. The United States also seeks to enforce its federal tax liens against James Newman on certain properties located in Covington, Newton County, Georgia (the “Properties”).

### **JURISDICTION AND VENUE**

3. This action is authorized by the Chief Counsel of the Internal Revenue Service, a delegate of the Secretary of the Treasury, and is brought at the direction of a delegate of the Attorney General of the United States under 26 U.S.C. §§ 7401, 7403.

4. This Court has jurisdiction to hear the action pursuant to 28 U.S.C. §§ 1331, 1340 and 1345, as well as 26 U.S.C. § 7402(a).

5. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b)(1) and 1396 because the taxpayer, James Newman, resides in this District and his federal income tax liabilities accrued in this District. The Properties at issue are all located in Covington, Newton County, Georgia, also within this District.

### **PARTIES**

6. James Clayton Newman, Jr. (a/k/a James Newman, Clay Newman) was a prominent businessman in Newton County, Georgia, where he owns businesses and property and at one time served on the Newton County Chamber of Commerce. His portfolio includes or included the

Properties against which the United States seeks to enforce its federal tax liens against him. Upon information and belief, James Newman is a resident of Barrow County, Georgia.

7. Brian Edward Newman is a resident of Barrow County, Georgia. Upon information and belief, he is James Newman's son. Brian Newman is named as a defendant pursuant to 26 U.S.C. § 7403 because he may claim an interest some of the Properties.

8. Judy Yeager (f/k/a Judy Yeager Newman) is a resident of Newton County, Georgia. She is James Newman's former spouse. Judy Yeager is named as a defendant pursuant to 26 U.S.C. § 7403 because she may claim an interest some of the Properties. Upon information and belief, however, Ms. Yeager's writs of fieri facias against James Newman have been satisfied.

9. Tonya Bullard is a resident of Walton County, Georgia. She is named as a defendant pursuant to 26 U.S.C. § 7403 because she may claim an interest some of the Properties.

10. Martin L. Fierman is a resident of Morgan County, Georgia. He is named as a defendant pursuant to 26 U.S.C. § 7403 because he may claim an interest some of the Properties.

11. Integrated Power Solutions Inc. ("Integrated Power") was a Georgia corporation formed in 2007 and administratively dissolved in 2020.

At all times, James Newman was the Chief Executive Officer of Integrated Power, and the company held bare legal title to some of the Properties as James Newman's nominee. Integrated Power is named as a defendant pursuant to 26 U.S.C. § 7403 because it may claim an interest some of the Properties.

12. Jones & Walden, LLC is an Atlanta-based law firm and Georgia limited liability company. Jones & Walden, LLC is named as a defendant pursuant to 26 U.S.C. § 7403 because it may claim an interest some of the Properties.

13. Clark's Grove Neighborhood Association, Inc. is a Georgia non-profit corporation headquartered in Longwood, Florida. Clark's Grove Neighborhood Association, Inc. is named as a defendant pursuant to 26 U.S.C. § 7403 because it may claim an interest some of the Properties.

14. City of Covington, Georgia is named as a defendant pursuant to 26 U.S.C. § 7403 because the City may claim an interest in some of the properties at issue.

15. Marcus Jordan, as Tax Commissioner for Newton County, Georgia, is named as a defendant pursuant to 26 U.S.C. § 7403 because the County may claim an interest in some of the properties at issue.

### INCOME TAX LIABILITIES AT ISSUE

16. James Newman is a U.S. taxpayer who was required to file federal income tax returns for 2004 through 2008.

17. James Newman filed federal tax returns (Forms 1040) for the 2004, 2005, 2006, and 2008 tax years as an individual taxpayer. For each of these years, his returns were untimely.

18. For each of those years, James Newman reported taxes owed but did not remit in full the taxes he reported.

19. A delegate of the Secretary of the Treasury assessed against James Newman (on dates and in the amounts set forth in the table below), the income taxes he reported on the returns he filed for years 2004, 2005, 2006, and 2008, plus applicable penalties and interest:

TAX YEAR	ASSESSMENT DATES	ASSESSMENTS
2004	04/06/2009	\$368,813.00 ^ \$29,554.80 ^^ \$17,544.15 * \$18,713.76 **
2005	04/20/2009	\$1,021,442.00 ^ \$96,481.94 ^^ \$78,950.02 * \$64,914.46 ** \$17,165.17 ***

TAX YEAR	ASSESSMENT DATES	ASSESSMENTS
2006	03/16/2009	\$705,278.00 ^ \$113,030.24 ^^ \$153,025.42 * \$81,613.56 **
2008	07/13/2009	\$13,813.00 ^ \$66.26 ^^ \$531.76 * \$118.17 ** \$383.00 ***

^Tax

^^ Interest

\* Failure to timely file return

\*\* Failure to timely pay tax

\*\*\* Failure to pay estimated tax

20. James Newman failed to file any return for 2007. As a result, the IRS calculated the income tax he owed for that year pursuant to its deficiency procedures, and it issued him a statutory notice of deficiency to his last known address. As summarized in the table below, on January 11, 2010, after the restriction on assessment lapsed, a delegate of the Secretary of the Treasury assessed the income tax deficiency for 2007 against James Newman, plus applicable penalties and interest:

<b>TAX YEAR</b>	<b>ASSESSMENT DATES</b>	<b>ASSESSMENTS</b>
2007	01/11/2010	\$85,481.00 ^ \$9,170.51 ^^ \$20,989.00 * \$3,813.00 ***

^Tax

^^ Interest

\* Failure to timely file return

\*\* Failure to timely pay tax

\*\*\* Failure to pay estimated tax

21. A delegate of the Secretary of the Treasury gave notices of the above-referenced taxes and made demands for payment on James Newman.

22. Despite these notices and demands for payment, James Newman has failed to pay his outstanding income tax liabilities.

23. Liens arose upon assessment of the taxes and on the dates above and attached to all James Newman's property and rights to property.

24. In Newton County, Georgia, and on the dates below, a delegate of the Secretary of the Treasury recorded notices of federal tax liens against James Newman and/or his nominee, Integrated Power:

<b>RECORDATION DATE</b>	<b>BOOK/PAGE</b>
09/11/2009	128/121
06/02/2010	134/637
04/09/2019	234/299

<b>RECORDATION DATE</b>	<b>BOOK/PAGE</b>
04/09/2019	234/300
04/09/2019	234/301
11/26/2019*	243/624
10/13/2021	263/496

\* Nominee lien against Integrated Power Solutions for the real property located at 2765 Access Road, Covington, Georgia

25. On October 5, 2009, James Newman timely filed with the IRS a request for a Collection Due Process hearing for tax years 2004, 2005, 2006, and 2008.

26. On October 19, 2009, James Newman timely filed with the IRS a request for a Collection Due Process hearing for tax years 2004, 2005, 2006, and 2008.

27. On September 4, 2011, James Newman's October 2009 requests for collection due process hearings were resolved by IRS Office of Appeals, and the deficiencies for 2004, 2005, 2006, and 2008 were sustained.

28. Pursuant to 26 U.S.C. § 6330(e)(1), Mr. Newman's collection due process hearing requests suspended the statute of limitations on collection of the taxes at issue from the date of the requests until September 4, 2011. Thus, Mr. Newman's collection due process hearing requests extended the



statute of limitations to collect his 2004, 2005, 2006, and 2008 tax liabilities by 669 days.

29. On February 19, 2013, James Newman filed a petition in bankruptcy under Chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the Northern District of Georgia (Bankr. No. 1:13-bk-53426). The Court issued a final decree on July 24, 2014. *See In re James Clayton Newman Jr.*, Bankr. No. 1:13-bk-53426-BEM (filed Feb. 19, 2013), Dkt. No. 166.

30. The taxes at issue were not discharged through James Newman's bankruptcy.

31. Under 26 U.S.C. § 6503(h)(2), the period to collect James Newman's unpaid federal income tax liabilities for 2004 through 2008 was suspended during the period during which his bankruptcy was pending, plus 6 months. Thus, Mr. Newman's bankruptcy extended the statute of limitations to collect the taxes at issue was extended by 520 days, plus 6 months.

32. In total, the statute of limitations on collection for the 2004, 2005, 2006, and 2008 tax years was extended by 1,189 days, plus 6 months. And the statute of limitations on collection for the 2007 tax year was extended by 520 days, plus 6 months. Thus, the earliest statute of limitations of collection for

the years at issue expires on January 17, 2023, for the 2006 tax year. The statute of limitations on collection for the other years at issue each expire after that date.

33. As of January 9, 2023, James Newman owes \$2,721,679.68 in unpaid income taxes, penalties, and interest for the tax years at issue, plus fees, interest, and all statutory additions that continue to accrue after that date.

## **PROPERTIES**

### ***2765 Access Road, Covington, GA 30016***

34. The allegations in below concern the real property commonly known as 2765 Access Road, Covington, Newton County, Georgia 30016 (“2765 Access Road Property”). The real property contains two tracts and is legally described as follows:

#### **Tract One:**

All that tract or parcel of land lying and being in Land Lot 219 of the 10<sup>th</sup> Land District, Newton County, Georgia, being designated as Tract 1, containing 1.11 acres, more or less, as more particularly described on a plat of survey for SATTERFIELD CONSTRUCTION, dated March 8, 2002, certified by Robert O. Jordan, Ga. R.L.S. No. 2902, which is recorded in Plat Book 38, page 257, Newton County Records. Said plat of survey and the record thereof are incorporated herein by reference for a more complete description of the subject property.

**Tract Two:**

All that tract or parcel of land lying and being in Land Lot 219 of the 10<sup>th</sup> Land District, Newton County, Georgia, being designated as Tract 2, containing 0.83 acre, more or less, as more particularly described on a plat of survey for SATTERFIELD CONSTRUCTION, dated March 8, 2002, certified by Robert O. Jordan, Ga. R.L.S. No. 2902, which is recorded in Plat Book 38, page 257, Newton County Records. Said plat of survey and the record thereof are incorporated herein by reference for a more complete description of the subject property.

35. By warranty deed recorded in Newton County, Georgia on June 6, 2007, James Newman purchased the 2765 Access Road Property for consideration.

36. By limited warranty deed recorded in Newton County, Georgia, on October 20, 2009, James Newman transferred the 2765 Access Road Property to Integrated Power for inadequate consideration. James Newman controlled and used Integrated Power as his nominee to conceal his assets.

37. At the time of the transfer, federal tax liens for 2004, 2005, 2006, and 2008 had attached to all James Newman's property and rights to property, including the 2765 Access Road Property, and the IRS had recorded a Notice of Federal Tax Lien for those years against James Newman. Thus, Integrated Power acquired its interest in the 2756 Access Road Property subject to the federal tax liens against James Newman.

38. Subsequently, the IRS recorded a Notice of Federal Tax Lien against Integrated Power as James Newman's nominee with respect to the 2765 Access Road Property.

39. By survivorship deed recorded in Newton County, Georgia on September 29, 2020, James Newman, despite not being the title owner, transferred the 2765 Access Road Property to himself and Brian Newman as joint tenants with right of survivorship for inadequate consideration. This transfer demonstrates that Integrated Power held bare legal title to the 2765 Access Road Property as James Newman's nominee and that James Newman at all times was the true and beneficial owner of the property.

40. In Newton County, Georgia and on the dates below, several defendants recorded various encumbrances against the 2765 Access Road Property:

<b>RECORDATION DATE</b>	<b>INSTRUMENT TYPE</b>	<b>RECORDING PARTY</b>	<b>BOOK/PAGE</b>
09/11/2009	Federal Tax Lien	Internal Revenue Service	128/121
06/02/2010	Federal Tax Lien	Internal Revenue Service	134/637
11/16/2012	Writ of Fieri Facias	Judy Yeager Newman	163/138
05/24/2013	County Tax Lien	Newton County Tax Commissioner	168/377

<b>RECORDATION DATE</b>	<b>INSTRUMENT TYPE</b>	<b>RECORDING PARTY</b>	<b>BOOK/PAGE</b>
06/10/2014	County Tax Lien	Newton County Tax Commissioner	178/573
06/05/2015	County Tax Lien	Newton County Tax Commissioner	188/416
11/17/2015	Security Deed & Security Agreement	Jones & Walden, LLC	3382/1
05/02/2016	County Tax Lien	Newton County Tax Commissioner	196/512
06/08/2017	County Tax Lien	Newton County Tax Commissioner	207/95
07/27/2018	County Tax Lien	Newton County Tax Commissioner	233/455
04/09/2019	Federal Tax Lien	Internal Revenue Service	234/299
04/09/2019	Federal Tax Lien	Internal Revenue Service	234/300
04/09/2019	Federal Tax Lien	Internal Revenue Service	234/301
06/25/2019	County Tax Lien	Newton County Tax Commissioner	237/518
06/25/2019	County Tax Lien	Newton County Tax Commissioner	237/519
06/25/2019	County Tax Lien	Newton County Tax Commissioner	237/520
06/25/2019	County Tax Lien	Newton County Tax Commissioner	238/12

RECORDATION DATE	INSTRUMENT TYPE	RECORDING PARTY	BOOK/PAGE
11/26/2019*	Federal Tax Lien	Internal Revenue Service	243/624
02/18/2020	Writ of Fieri Facias	Martin L. Fierman	246/196
06/05/2020	County Tax Lien	Newton County Tax Commissioner	249/662
06/17/2020	County Tax Lien	Newton County Tax Commissioner	251/240
03/24/2021	Writ of Fieri Facias	Jones & Walden, LLC	258/804
10/13/2021	Federal Tax Lien	Internal Revenue Service	263/496
10/03/2022	County Tax Fieri Facias	Newton County Tax Commissioner	271/855
10/03/2022	County Tax Fieri Facias	Newton County Tax Commissioner	271/856
10/03/2022	County Tax Fieri Facias	Newton County Tax Commissioner	271/857
10/26/2022	Affidavit and Memorandum of Court Order Affecting Title to Land	Jones & Walden, LLC	272/774

\* Nominee lien against Integrated Power Solutions for the 2765 Access Road Property

***5102 Park Street, Covington, GA 30014***

41. The allegations in below concern the real property commonly known as 5102 Park Street, Covington, Newton County, Georgia 30014

(“5102 Park Street Property”). The real property is legally described as follows:

All those tracts or parcels of land lying situate and being in certain lots in Clark's Grove, Phase I in Newton County, Georgia being Lot 60 on a plat of survey for Clark's Grove, LLC prepared by Louie D. Patrick, GA RLS No. 1757 and recorded in the Office of the Clerk of the Superior Court of Newton County, Georgia at Plat Book 43, page 61 and that parcel of land shown as “Future Development ‘C’” on Final Subdivision Plat for Clark's Grove limited liability company prepared by Louie D. Patrick, GA RLS#1757 and recorded in the Office of the Clerk of the Superior Court of Newton County, Georgia at Plat Book 40, page 279, which plats of survey are incorporated herein by reference.

42. By limited warranty deed recorded in Newton County, Georgia on August 16, 2006, James Newman purchased the 5102 Park Street Property for consideration.

43. By deed of gift recorded in Newton County, Georgia on December 31, 2009, James Newman transferred the 5102 Park Street Property to Judy Yeager.

44. At the time of the transfer, federal tax liens for 2004, 2005, 2006, and 2008 had attached to all James Newman's property and rights to property, including the 5102 Park Street Property, and the IRS had recorded a Notice of Federal Tax Lien for those years against James Newman. Thus, Judy Yaeger acquired her interest in the 5102 Park Street Property subject to the federal tax liens against James Newman.

45. By quit claim deed recorded in Newton County, Georgia on March 8, 2016, Judy Yeager transferred the 5102 Park Street Property to James Newman. This transfer was subject to the federal tax liens against James Newman.

46. By survivorship deed recorded in Newton County, Georgia on September 29, 2020, James Newman transferred the 5102 Park Street Property to himself and Brian Newman as joint tenants with right of survivorship for inadequate consideration.

47. In Newton County, Georgia and on the dates below, several defendants recorded various encumbrances against the 5102 Park Street Property:

<b>RECORDATION DATE</b>	<b>INSTRUMENT TYPE</b>	<b>RECORDING PARTY</b>	<b>BOOK/PAGE</b>
09/11/2009	Federal Tax Lien	Internal Revenue Service	128/121
06/02/2010	Federal Tax Lien	Internal Revenue Service	134/637
11/16/2012	Writ of Fieri Facias	Judy Yeager Newman	163/138
05/24/2013	County Tax Lien	Newton County Tax Commissioner	168/377
05/19/2014	Claim of Lien (Homeowners Association)	Clark's Grove Neighborhood	177/296



<b>RECORDATION DATE</b>	<b>INSTRUMENT TYPE</b>	<b>RECORDING PARTY</b>	<b>BOOK/PAGE</b>
		Association, LLC	
06/10/2014	County Tax Lien	Newton County Tax Commissioner	178/573
06/05/2015	County Tax Lien	Newton County Tax Commissioner	188/416
06/29/2015	Claim of Lien (Homeowners Association)	Clark's Grove Neighborhood Association, LLC	189/244
05/02/2016	County Tax Lien	Newton County Tax Commissioner	196/512
01/19/2017	Claim of Lien (Homeowners Association)	Clark's Grove Neighborhood Association, LLC	203/188
06/08/2017	County Tax Lien	Newton County Tax Commissioner	207/95
09/18/2017	Claim of Lien (Stormwater Utility)	City of Covington	211/258
05/04/2018	Claim of Lien (Stormwater Utility)	City of Covington	218/372
07/27/2018	County Tax Lien	Newton County Tax Commissioner	223/455
12/11/2018	Claim of Lien (Homeowners Association)	Clark's Grove Neighborhood Association, LLC	228/650

<b>RECORDATION DATE</b>	<b>INSTRUMENT TYPE</b>	<b>RECORDING PARTY</b>	<b>BOOK/PAGE</b>
02/19/2019	Claim of Lien (Stormwater Utility)	City of Covington	232/26
04/09/2019	Federal Tax Lien	Internal Revenue Service	234/299
04/09/2019	Federal Tax Lien	Internal Revenue Service	234/300
04/09/2019	Federal Tax Lien	Internal Revenue Service	234/301
06/25/2019	County Tax Lien	Newton County Tax Commissioner	238/12
02/18/2020	Writ if Fieri Facias	Martin L. Fierman	246/196
03/27/2020	Claim of Lien (Stormwater Utility)	City of Covington	247/672
06/05/2020	County Tax Lien	Newton County Tax Commissioner	249/662
03/24/2021	Writ of Fieri Facias	Jones & Walden, LLC	258/804
06/14/2021	Claim of Lien (Stormwater Utility)	City of Covington	261/13
10/13/2021	Federal Tax Lien	Internal Revenue Service	263/496
04/12/2022	Claim of Lien (Stormwater Utility)	City of Covington	267/131

RECORDATION DATE	INSTRUMENT TYPE	RECORDING PARTY	BOOK/PAGE
09/22/2022	Claim of Lien (Homeowners Association)	Clark's Grove Neighborhood Association, LLC	271/375
10/03/2022	County Tax Fieri Facias	Newton County Tax Commissioner	271/855
10/03/2022	County Tax Fieri Facias	Newton County Tax Commissioner	271/856
10/03/2022	County Tax Fieri Facias	Newton County Tax Commissioner	271/857

***4165 & 4167 Raphael Street, Covington, GA 30014***

48. The allegations in below concern the real properties commonly known as 4165 and 4167 Raphael Street, Covington, Newton County, Georgia 30014 (“4165 and 4167 Raphael Street Properties”). The real properties are legally described as follows:

**Unit One:**

All that tract or parcel of land lying and being in Land Lot 253 of the 9th District of Newton County, Georgia, being Unit 1, The Newman Building Condominium, as per plat recorded in Condominium Plat Book 1, Page 21, Newton County, Georgia Deed Records, together with all right, title and interest of Grantor in said unit and appurtenances thereto under the Declaration of Covenants, Conditions and Restrictions for The Newman Building Condominium, recorded January 7, 2008 in Deed Book 2552, page 368, Newton County, Georgia Deed Records, as may hereafter be amended, which declaration and all recorded amendments recorded hereafter are incorporated herein by reference and made

a part hereof. The interest herein conveyed includes, without limiting there generality of the foregoing, an undivided 33.333% percent interest in the common area of The Newman Building Condominium, as the same is defined in said declaration.

Subject, however, to all easements, restrictions, and rights of way of record.

**Unit Two:**

All that tract or parcel of land lying and being in Land Lot 253 of the 9th District of Newton County, Georgia, being Unit 2, The Newman Building Condominium, as per plat recorded in Condominium Plat Book 1, Page 21, Newton County, Georgia Deed Records, together with all right, title and interest of Grantor in said unit and appurtenances thereto under the Declaration of Covenants, Conditions and Restrictions for The Newman Building Condominium, recorded January 7, 2008 in Deed Book 2552, page 368, Newton County, Georgia Deed Records, as may hereafter be amended, which declaration and all recorded amendments recorded hereafter are incorporated herein by reference and made a part hereof. The interest herein conveyed includes, without limiting there generality of the foregoing, an undivided 33.333% percent interest in the common area of The Newman Building Condominium, as the same is defined in said declaration.

Subject, however, to all easements, restrictions, and rights of way of record.

49. The 4165 and 4167 Raphael Street Properties include a commercial space and residential condominium situated above the commercial space.

50. By quit claim deed recorded in Newton County, Georgia on December 17, 2007, James Newman purchased the 4165 and 4167 Raphael Street Properties for consideration.

51. By limited warranty deed recorded in Newton County, Georgia, on March 16, 2010, James Newman transferred the 4165 and 4167 Raphael Street Properties to Integrated Power for inadequate consideration. James Newman controlled and used Integrated Power as his nominee to conceal his assets.

52. At the time of the transfer, federal tax liens for 2004, 2005, 2006, and 2008 had attached to all James Newman's property and rights to property, including the 4165 and 4167 Raphael Street Properties, and the IRS had recorded a Notice of Federal Tax Lien for those years against James Newman. Thus, Integrated Power acquired the 4165 and 4167 Raphael Street Properties subject to the federal tax liens against James Newman.

53. By limited warranty deed recorded in Newton County, Georgia on October 1, 2018, Integrated Power sold the 4165 and 4167 Raphael Street Properties to Tonya Bullard. Tonya Bullard acquired her interest in the 4165 and 4167 Raphael Street Properties subject to the federal tax liens against James Newman because the IRS had recorded notice of its liens against James Newman in the public records of Newton County, Georgia before she purchased the Properties.

54. Despite the sale of the 4165 Raphael Street Property to Tonya Bullard, James Newman transferred the 4165 Raphael Street Property

individually to himself and Brian Newman as joint tenants with right of survivorship for inadequate consideration by survivorship deed recorded in Newton County, Georgia on September 29, 2020.

55. In Newton County, Georgia and on the dates below, several defendants recorded various encumbrances against the 4165 Raphael Street Property:

<b>RECORDATION DATE</b>	<b>INSTRUMENT TYPE</b>	<b>RECORDING PARTY</b>	<b>BOOK/PAGE</b>
09/11/2009	Federal Tax Lien	Internal Revenue Service	128/121
06/02/2010	Federal Tax Lien	Internal Revenue Service	134/637
11/16/2012	Writ of Fieri Facias	Judy Yeager Newman	163/138
05/24/2013	County Tax Lien	Newton County Tax Commissioner	168/377
06/10/2014	County Tax Lien	Newton County Tax Commissioner	178/573
06/05/2015	County Tax Lien	Newton County Tax Commissioner	188/416
05/02/2016	County Tax Lien	Newton County Tax Commissioner	196/512
01/19/2017	Claim of Lien (Homeowners Association)	Clark's Grove Neighborhood Association, LLC	203/188

<b>RECORDATION DATE</b>	<b>INSTRUMENT TYPE</b>	<b>RECORDING PARTY</b>	<b>BOOK/PAGE</b>
06/08/2017	County Tax Lien	Newton County Tax Commissioner	207/95
08/14/2017	Claim of Lien (Stormwater Utility)	City of Covington	209/718
08/28/2017	Claim of Lien (Homeowners Association)	Clark's Grove Neighborhood Association, LLC	210/586
05/04/2018	Claim of Lien (Stormwater Utility)	City of Covington	218/373
07/27/2018	County Tax Lien	Newton County Tax Commissioner	223/455
11/30/2018	Claim of Lien (Homeowners Association)	Clark's Grove Neighborhood Association, LLC	228/455
04/09/2019	Federal Tax Lien	Internal Revenue Service	234/299
04/09/2019	Federal Tax Lien	Internal Revenue Service	234/300
04/09/2019	Federal Tax Lien	Internal Revenue Service	234/301
06/25/2019	County Tax Lien	Newton County Tax Commissioner	237/518
06/25/2019	County Tax Lien	Newton County Tax Commissioner	237/519
06/25/2019	County Tax Lien	Newton County Tax Commissioner	237/520

<b>RECORDATION DATE</b>	<b>INSTRUMENT TYPE</b>	<b>RECORDING PARTY</b>	<b>BOOK/PAGE</b>
06/25/2019	County Tax Lien	Newton County Tax Commissioner	238/12
02/18/2020	Writ if Fieri Facias	Martin L. Fierman	246/196
06/05/2020	County Tax Lien	Newton County Tax Commissioner	249/662
06/17/2020	County Tax Lien	Newton County Tax Commissioner	251/240
03/24/2021	Writ of Fieri Facias	Jones & Walden, LLC	258/804
10/13/2021	Federal Tax Lien	Internal Revenue Service	263/496
10/03/2022	County Tax Fieri Facias	Newton County Tax Commissioner	271/855
10/03/2022	County Fieri Facias	Newton County Tax Commissioner	271/856
10/03/2022	County Fieri Facias	Newton County Tax Commissioner	271/857
10/26/2022	Affidavit and Memorandum of Court Order Affecting Title to Land	Jones & Walden, LLC	272/788

56. In Newton County, Georgia and on the dates below, several defendants recorded various encumbrances against the 4167 Raphael Street Property:



<b>RECORDATION DATE</b>	<b>INSTRUMENT TYPE</b>	<b>RECORDING PARTY</b>	<b>BOOK/PAGE</b>
09/11/2009	Federal Tax Lien	Internal Revenue Service	128/121
06/02/2010	Federal Tax Lien	Internal Revenue Service	134/637
11/16/2012	Writ of Fieri Facias	Judy Yeager Newman	163/138
05/24/2013	County Tax Lien	Newton County Tax Commissioner	168/377
06/10/2014	County Tax Lien	Newton County Tax Commissioner	178/573
06/05/2015	County Tax Lien	Newton County Tax Commissioner	188/416
05/02/2016	County Tax Lien	Newton County Tax Commissioner	196/512
01/19/2017	Claim of Lien (Homeowners Association)	Clark's Grove Neighborhood Association, LLC	203/188
06/08/2017	County Tax Lien	Newton County Tax Commissioner	207/95
08/14/2017	Claim of Lien (Stormwater Utility)	City of Covington	209/718
05/04/2018	Claim of Lien (Stormwater Utility)	City of Covington	218/373
07/27/2018	County Tax Lien	Newton County Tax Commissioner	223/455
04/09/2019	Federal Tax Lien	Internal Revenue Service	234/299

<b>RECORDATION DATE</b>	<b>INSTRUMENT TYPE</b>	<b>RECORDING PARTY</b>	<b>BOOK/PAGE</b>
04/09/2019	Federal Tax Lien	Internal Revenue Service	234/300
04/09/2019	Federal Tax Lien	Internal Revenue Service	234/301
06/25/2019	County Tax Lien	Newton County Tax Commissioner	237/518
06/25/2019	County Tax Lien	Newton County Tax Commissioner	237/519
06/25/2019	County Tax Lien	Newton County Tax Commissioner	237/520
06/25/2019	County Tax Lien	Newton County Tax Commissioner	238/12
02/18/2020	Writ if Fieri Facias	Martin L. Fierman	246/196
06/05/2020	County Tax Lien	Newton County Tax Commissioner	249/662
06/17/2020	County Tax Lien	Newton County Tax Commissioner	251/240
03/24/2021	Writ of Fieri Facias	Jones & Walden, LLC	258/804
10/13/2021	Federal Tax Lien	Internal Revenue Service	263/496
10/03/2022	County Fieri Facias	Newton County Tax Commissioner	271/855
10/03/2022	County Fieri Facias	Newton County Tax Commissioner	271/856

<b>RECORDATION DATE</b>	<b>INSTRUMENT TYPE</b>	<b>RECORDING PARTY</b>	<b>BOOK/PAGE</b>
10/03/2022	County Fieri Facias	Newton County Tax Commissioner	271/857
10/26/2022	Affidavit and Memorandum of Court Order Affecting Title to Land	Jones & Walden, LLC	272/788

### **COUNT I: REDUCE TO JUDGMENT INCOME TAX LIABILITIES**

57. The United States realleges the allegations in paragraphs 16–33.

58. A delegate of the Secretary of the Treasury gave proper notice to James Newman of the assessments described in paragraphs 19–20, and made proper demand for payment of these assessments.

59. Despite proper notice and demand, James Newman has neglected, failed, or refused to make full payment to the United States of the assessed amounts and the accrued interest and penalties.

60. James Newman is personally liable to the United States for the unpaid balances of the assessments (including accrued penalties and interest) in paragraphs 19-20.

61. As of January 9, 2023, including penalties and interest accruing, James Newman is personally liable to the United States for \$2,721,679.68 for

his outstanding income tax liabilities. Statutory additions, including penalties and interest, continuing to accrue as provided by law.

**COUNT II: FORECLOSURE OF TAX LIENS ON 2765 ACCESS ROAD**

62. The United States realleges the allegations in paragraphs 34–40.

63. Because the properly recorded federal tax liens for all years at issue pre-date James Newman’s transfer of the 2765 Access Road Property to Integrated Power and were not satisfied at the time of transfer, Integrated Power’s acquired its interest in the 2765 Access Road Property subject to the United States’ tax liens.

64. Because the federal tax liens against James Newman remain on the 2765 Access Road Property, James Newman’s subsequent transfer of that property to himself and Brian Newman was also subject to the federal tax liens against James Newman. As a result, James Newman and Brian Newman’s interests in the 2765 Access Road Property are subject to the tax liens against James Newman.

65. In the alternative, the United States may enforce its tax liens against the property because James Newman transferred the 2765 Access Road Property first to Integrated Power and then to himself and his son with actual intent to hinder, delay, or defraud the United States as a creditor. O.C.G.A. § 18-2-74(a).

66. The United States' federal tax liens have priority over all other interests in the 2765 Access Road Property, subject to any relevant exceptions in 26 U.S.C. § 6323.

67. Under 26 U.S.C. § 7403(c), the United States is entitled to a decree of sale for the 2765 Access Road Property to enforce its tax liens.

### **COUNT III: FORECLOSURE OF TAX LIENS ON 5102 PARK STREET**

68. The United States incorporates realleges the allegations in paragraphs 41–47.

69. Because the properly recorded federal tax liens for 2004, 2005, 2006, and 2008 pre-date James Newman's transfer of the 5102 Park Street Property to Judy Yeager and were not satisfied at the time of transfer, Judy Yeager acquired her interest in the 5102 Park Street Property subject to the United States' tax liens.

70. Because the federal tax liens against James Newman remain on the 5102 Park Street, Judy Yeager's subsequent transfer of that property to James Newman was also subject to the federal tax liens against James Newman. As a result, James Newman's interest in the 5102 Park Street Property is subject to the tax liens against him.

71. The United States' federal tax liens have priority over all other interests in the 5102 Park Street Property, subject to any relevant exceptions in 26 U.S.C. § 6323.

72. Under 26 U.S.C. § 7403(c), the United States is entitled to a decree of sale for the 5102 Park Street Property to enforce its tax liens.

**COUNT IV: FORECLOSURE OF TAX LIENS ON 4165 RAPHAEL  
STREET**

73. The United States realleges the allegations in paragraphs 48–55.

74. Because the properly recorded federal tax liens for all years at issue pre-date James Newman's transfer of the 4165 Raphael Street Property to Integrated Power and were not satisfied at the time of transfer, Integrated Power acquired its interest in the 4165 Raphael Street Property subject to the United States' tax liens.

75. Similarly, because the properly recorded federal tax liens for all years at issue pre-date Integrated Power's transfer of the 4165 Raphael Street Property to Tonya Bullard, Tonya Bullard had notice of the federal tax liens on the 4165 Raphael Street Property when she acquired that property from Integrated Power. As a result, Tonya Bullard acquired her interest in the 4165 Raphael Street Property subject to the tax liens against James Newman.

76. Alternatively, to the extent that Tonya Bullard is not the title owner of the 4165 Raphael Street Property, the United States' liens remain attached to James Newman's interest in the Property, including that which he conveyed to Brian Newman.

77. The United States' federal tax liens have priority over all other interests in the 4165 Raphael Street Property, subject to any relevant exceptions in 26 U.S.C. § 6323.

78. Under 26 U.S.C. § 7403(c), the United States is entitled to a decree of sale for the 4165 Raphael Street Property to enforce its tax liens.

**COUNT V: FORECLOSURE OF TAX LIENS ON 4167 RAPHAEL  
STREET**

79. The United States realleges the allegations in paragraphs 48–53, and 56.

80. Because the properly recorded federal tax liens for all years at issue pre-date James Newman's transfer of the 4167 Raphael Street Property to Integrated Power and were not satisfied at the time of transfer, Integrated Power acquired its interest in the 4167 Raphael Street Property subject to the United States' tax liens.

81. Similarly, because the properly recorded federal tax liens for all years at issue pre-date Integrated Power's transfer of the 4167 Raphael

Street Property to Tonya Bullard, Tonya Bullard had notice of the federal tax liens on the 4167 Raphael Street Property when she acquired that property from Integrated Power. As a result, Tonya Bullard acquired her interest in the 4167 Raphael Street Property subject to the tax liens against James Newman.

82. The United States' federal tax liens have priority over all other interests in the 4167 Raphael Street Property, subject to any relevant exceptions in 26 U.S.C. § 6323.

83. Under 26 U.S.C. § 7403(c), the United States is entitled to a decree of sale for the 4167 Raphael Street Property to enforce its tax liens.

**WHEREFORE**, the United States respectfully requests:

A. Judgment in favor of the United States and against James Clayton Newman, Jr. for his unpaid federal tax liabilities, in the total sum of \$2,721,679.68 as of January 9, 2023, plus statutory additions including penalties and interest accruing thereon as provided by law until paid;

B. Judgment that as a result of the unpaid assessments described in paragraphs 19–20, the United States has valid and subsisting federal tax liens on all property and rights to property belonging to James Clayton Newman, Jr., whether real or personal, wherever located, and whether presently held or hereinafter acquired;



C. Judgment that the United States' federal tax liens against James Clayton Newman, Jr., attach to the 2765 Access Road, 5102 Park Street, 4165 Raphael Street, and 4167 Raphael Street Properties;

D. Judgment that the United States' federal tax liens upon the 2765 Access Road, 5102 Park Street, 4165 Raphael Street, and 4167 Raphael Street Properties are foreclosed, and that the Properties shall be sold, and the proceeds of the sale shall be distributed in accordance with the Court's findings as to the validity and priority of the liens and claims of all parties;

E. Judgment that the United States shall be granted its costs in bringing this action and;

F. Any further relief the Court deems appropriate.

Respectfully submitted,

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**CERTIFICATE OF COMPLIANCE**

I certify that this document was prepared using Century Schoolbook,  
13-point font.

/s/ Christina T. Lanier  
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